FIXING THE USE OF FORCE MACHINE

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Having been an instructional designer and supervisor in a federal law enforcement and security agency, I have spent more than 15 years working to develop and promote integrated methods of managing physical conflict. I believe the time has come to link all aspects of physical conflict management: job requirements, policy, equipment, training, and supervision.

Establishing a coherent approach to managing physical conflict would assist in relieving:

- Officers from the consequences of situations in which force either was applied to bad effect or should have been applied but was not;
- Government agencies from the seemingly automatic public quest for monetary remedy after someone has been physically involved with a law enforcement officer; and
- The public from exposure to unnecessary force.

Risks Involved in the Use of Force

Officers face personal risk when enforcing laws and regulations. This risk can be in terms of a probable physical injury or a subsequent punishment arising from the officer's improper or unreasonable attempt to establish physical control.

Recently, I have also observed a new kind of risk-the "technical" use of force violation. The aftermath of any use-of-force event, no matter how well-intentioned, may be a prolonged legal problem for both officer and agency. Because clear, standardized rules and procedures for applying force do not exist, the outcome of any application of force is uncertain.

Concerning use of force, the methods that are most likely to establish immediate control am, unfortunately, also those most likely to cause injury to the subject. They are also the most likely to be irreversible. Using these methods may expose an officer to legal or administrative punishment. On the other hand, the control modes that are the least likely to injure the subject are least likely to establish control in time. Using these methods exposes the officer to injury or task failure.

Of course, the best principle is to avoid using force. This solution sounds eminently reasonable, except when failure to control a situation in time results in other dangers or complications. Just as force may be unnecessary in a given situation, it may be absolutely necessary in another.

How can the officer determine when and what kind of force will ultimately be judged reasonable or unreasonable? How can the officer translate the Constitution

into useful instructions to guide the emergency decision-making process? How can administrators prepare, assist, and support the officer?

External Factors

A number of external factors complicate the development of a coherent theory for the use of force. They include the public's expectations, the development of technologies of control, and the role of technical experts.

- **Expectations of the public-As** plaintiffs' attorneys lead us toward standards approaching perfection in the application of force, the public expects that officers should refrain from being violent, harmful, or even mildly upsetting. Unfortunately, however, these characteristics are inevitable when force is used to control a subject's actions.
- **Pace of advances in control technology-The** development of control technology has lagged behind expectations. With a few minor exceptions, options for force remain basically the same as they have been for a long time. Firearms and truncheons of the '90s are more expensive versions of the originals, but their expected effects are what they have always been. Physical manipulation techniques are still based on human physiology. Handcuffs have changed little in the modem era. Pepper, a new element, is now being used to irritate and inflame. Development of the radio has probably done more to revolutionize non-military government use of force than have any recent developments in weaponry.

  Technology has not yet provided the answer we hope for: a simple-to-operate, highly reliable device that would establish immediate control of a subject with no negative side effects. Theoretically, one physical control device could be employed to control either a subject wielding a knife or firearm or an inmate who refuses to leave his cell when legally requited to do so. Training would be minimal. The officer would not be required to make complicated split-second decisions (some of which cannot be reversed) or be exposed to the risks mentioned previously. He or she would simply use the device.
- **Disagreements among technical experts-Any** application of force is vulnerable to the technical opinion of experts in a variety of fields. Given a specific set of circumstances, technical experts will disagree. Use of force is one of the mini-battlefields in the volatile clash of uneven technological progress and rapid social change. Officers who are inadequately trained or supervised-who are confused, startled, frightened, panicked, or mistake-are all sources of income for creative and ingenious plaintiffs attorneys and experts.

The Administrative Dilemma

To complicate the issue further, incidents related to critical force are not routine in most agencies. They therefore tend to engender less immediate concern from the administrator than do routine events. As a result, the common complaint from employees is, "Someone has to get killed, and then they will give us what we need."

"Yes, the problem is out there," responds the administrator, 'but so are many other daily problems that are more pressing. As responsible administrators, we have to allocate our resources to events that will happen tomorrow---not to those that probably won't. We'll keep an eye on the safety and control issue, and if it becomes more serious, then we'll have to devote more resources to it." I can hear the adminis-

trators Continue. “Here is the problem,” they say. ‘Training in use of force and safety is expensive and time-consuming. Furthermore, I don’t want my people getting injured learning to be safe. They won’t want to toll around on the ground in training. And the training probably won’t work, anyway.”

While such responses are reasonable, they are short-sighted. Although no problem may have occurred within the agency, the liability threat still exists. Moreover, concern for employee welfare is one practical reason to address safety issues. A concern for protecting the agency is another. When viewed as a complete mechanism, everything related to officer safety must function together: job requirements, officer capabilities, policy, equipment, training, tactics, and other support systems.

If it were a machine, would it work or wouldn’t it? Generally, the answer is “no.” Some probation and parole officers, for example, are required to take high-risk subjects into custody without training in tactical safety, less-than-lethal weapons, or firearms. Some carry firearms and have received firearms training but are not allowed to carry less-than-lethal weapons, are not issued radios or cellular phones, and am not trained in safety tactics.

Something in this mix is inconsistent. As officers face increased dangers and physical challenges, the system tends to be patched, but not redesigned. The result is yesterday’s system with some new, incompatible patches. If this were a machine, it would not work.

The “Dis-Integrated” Training Component

Lack of standards. Although the quality of performance in the application of force is closely dependent on training, there are no uniform standards for integrated training in force technology. Instead, instructional quality depends on the training tradition of the specific subject area. Firearms instructors, for example, are subject to traditional standards of instruction, program design, and quantitative assessment protocols. (Generally, shooters can entirely miss the target with 30 percent of their rounds and still qualify.)

In addition, standards for weaponless control methods vary widely among trainers. Manufacturers of physical control devices commonly attempt to set training standards specifically centered around their own devices even though the device’s effectiveness is highly dependent on the user. A “police” baton of any design is a good example. Its use can range from ineffective to brutal, depending on how and in what situation it is used.

Compartmentalization of techniques. Training in the use of force has been and still is compartmentalized rather than integrated. Baton trainers emphasize the use of batons, just as firearms instructors emphasize the use of firearms. Even “ground fighting” specialists concentrate on their specialty, while one training group markets the targeting of “pressure points.” Control and tactical operations training are separated differently in various agencies, but they are always separated. Handcuffing may be a function of the firearms staff, while vehicle stop training is a function of the driving staff. Self-defense may be relegated to the mat room, gym, or the martial artist.

Trainers emphasizing one weapon or method of control may have little or no familiarity with the use of others. This situation might be compared with a group of carpenters, each of whom specializes in the use of a different tool. In reality, a competent carpenter must be able to decide quickly on the right tool for the immediate task at hand and to use it efficiently.

Compartmentalization can occur even during simulation training, which is supposed to integrate several training aspects into a unified application through realistic situations. During simulations, the firearms instructor, the legal instructor, and the handcuffing instructor may each critique his or her area as if critiquing separate incidents. Many times, these experts' critiques are contradictory.

Instructors responsible for developing training am sent to commercial schools to "bring back something we can use." The package is then put together with best intentions, but all too often the material is not integrated into a logical, complete package that prepares the trainee for real life; the trainees must accomplish that integration themselves. In the absense of an integrated approach to training, the trainee may be the only one who receives all parts of the picture. No one really knows if the trainee has assembled a complete picture that would meet Supreme Court standards.

Like the carpenter, the line officer must be able to switch back and forth between tools as rapidly as necessary. He or she must be able to recall and integrate all necessary modes of physical control or alternate tactics appropriately and in a timely manner. His or her recall must be available for immediate, unscheduled use in acute situations.

Ideally, officers should receive training from those who have a greater total, integrated, tactical knowledge than the officers do. This invalidates the concept of the "baton instructor," for example. While the instructor may be able to teach manipulation of the baton, the officer must also learn how the baton fits into the use-of-force spectrum. The use of a weapon of any sort cannot be separated from the non-weapon alternatives, such as using positioning tactics, coordinating assistance, or using other available means of safety and control.

Control tactics instructors should specialize in all relevant aspects of the field, because the people they train must do so. It is true that some training areas, such as firearms, require instructors who concentrate and specialize because of the critical safety issues involved. But these instructors must also be proficient in all other aspects of control-related tactics, so the trainee can receive a logical, complete, and reliable indoctrination into dealing reasonably with violence and chaos. Otherwise, the situation arises in which the specialist treats the patient for his/her specialty, rather than for the patient's condition-the trainer teaches the trainee how to perform a technique rather than how to recognize and control a situation.

Inapplicability to community corrections. Some long-established options have been to entrust use-of-force training to a martial arts instructor or to copy military procedures for domestic application. The administrator procures the instruction, assuming that military and martial arts training may be transferred directly into agency operations. However, neither martial arts nor military procedures are designed for the conditions and constraints of law enforcement, corrections, probation, or parole officers. Control options and training must be both compatible with the resources available and based on job requirements and policy.

The need for active simulation training. Another common training escape mechanism is the "awareness" video/lecture, which is often offered as a training substitute for tasks that clearly require physical and situational practice. Instead of giving the officer information, graduated practice, and simulations approximating real life, training consists of exposing the officer to a lecture and video. It is then assumed that the officer will make the connection to real-life performance.

Although officers may be able to see a video and make it work, they may not. I have attended many training sessions in which the trainee was made aware of a problem by dissecting and scrutinizing the mistakes of others. However, trainees were not shown what to do to fix the problem. Nor were they given practice, much less appropriate practice, and their performance ability was never tested, because they did not perform-even once.

Transferring Training to Real Life

Administrators responsible for training probably assume that, given training in the various control devices, officers have the automatic capability to transfer all of these techniques to liability-proof work performance. I assume the opposite: simply teaching a technique or skill will not reliably connect it to the situation(s) in which it should be used.

Learning to use a skill, but not learning to employ it in a situational context, means that the trainee may not reliably be able to recall and use the skill in actual situations. The training may or not be transferred to real life. Transfer of training must reliably occur, or training is useless.

Learning a skill takes place on two levels: the motor skill level and the situational decision level. The brain learns specific, coordinated physical techniques and stores them in the memory in "motor programs." These programs remember and call into action the various muscle fibers via nerve pathways in specific sequence. These millions of simultaneous commands are compiled and stored through repetition-by remembering the feeling of performing the action, seeing the result, and correcting the performance until the result is acceptable.

The brain uses a different mechanism to learn and store the decision points involved in a physical action-when to perform a motor program, how to adapt the performance, and when to stop. In other words, the physical technique is learned and stored in the brain independently from the situations in which it is to be used.

In sports terms, learning to shoot a basket from one position in one way will not prepare a shooter to play in an actual game, where he or she must use strategy and supplementary techniques to make taking the shot possible. The player must also learn to assess the situation, recognize available tactics, and establish ultimate and temporary goals in order to choose and use the correct motor programs/skills.

Some actions, once started, cannot be stopped-it would take longer to decide not to complete the action and stop it than it would to complete the action. Fulling a trigger is one example. And once a trigger is pulled, it cannot be unpulled.

Some situations require that several motor programs be activated at once, such as if an officer has to run for shielding while also drawing a weapon and checking off an attacker. One motor program can be linked with another, but this linkage must be accomplished through either training or repetitive actual experience.

If learning is not accomplished in training, where mistakes may lead to self-correction, the officer may make the same mistakes in real life-perhaps without even realizing that they are mistakes until after the event has occurred.

Our philosophy is to assume that transfer *has not taken place* from training to real life or even from one stage of training to the next, until the trainee can demonstrate that it has. According to this theory, we might assume that skill in target shooting will not transfer to actual dynamic combat. In fact, a 1993 New York Police Department firearms discharge report indicated that only 19 percent of rounds fired at perpetrators hit their targets.

Training must include situational practice and performance assessment to indicate if the training is accomplishing its goal. None of these components can contradict the others. Otherwise--as a result of an error in policy-parts of the officer's brain may not connect in time when they need to.

Fixing the Training Machine

The good news is that measures can be taken in officer training that are less costly and time-consuming than the ideal model. These measures may actually save training time while improving performance and lessening the risks that officers face.

The key is found in ensuring logical consistency between system components-the same principle that makes the machine work. In this case, the parts am job requirements, supportive policy, equipment, training, tactics, and other support. When taken together, they should make sense.

Following is one way to begin organizing a training solution to the use of force problem.

- Ensure that a responsible administrator has a working knowledge of the actual problems officers face and has received practical, overview training on state-of-the-art equipment, tactics, procedures, and weapons, including their limitations and capabilities. Don't delegate seemingly technical officer safety determinations too far down the ladder and expect to have well-informed decisions.
- Determine the real probable and potential risks associated with job requirements.
- Re-evaluate the necessity for employees to encounter these risks.
- For the remaining risky job requirements, get practical technical advice about available tactical, procedural, and equipment options.
- Determine whether officers are being accorded the necessary support, training, and equipment.
- Determine whether current policy facilitates proper actions and inhibits improper actions by the officer. Often, agency policies call for the officer to "use good judg ment." Use-of-force policy may be left open-ended for a variety of masons. Should litigation occur, the level of elaboration will allow both the agency and the officer a degree of latitude and not bind either to overly technical rules. On the other hand, too general a policy may neither facilitate appropriate actions nor inhibit inappropriate actions. Policies should be clear enough to accomplish both.

- If necessary, fix the policy. Make the requirements technically consistent with human capabilities and the support available to the officer. Otherwise, officers will be forced to find their own adaptations, and some adaptations will not be consistent with the policy.
- Determine if training is necessary. Not all solutions are to be found in training.
- If training is necessary:
  - Do not rely on manufacturers of equipment to be responsible for the content or methodology of your training. They usually do not have the overall picture and are primarily interested in their own products.
  - Look for trainers who are practical, efficient, logical, and use less rather than more time. Will officers actually be safer and more competent after the training? The end of the training should look very much like real life. If it does not, something is wrong.
  - Finally, ensure that job requirements, equipment, support, procedures, methods, and policy are logically consistent, reasonable, and are managed consistently.

Do these things and the Supreme Court and other courts will probably stay off your back. And your employees may actually be appreciative.

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